FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owner of the subject property, Magdalene W. Leung. The Petitioner requests a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 7.5 feet for an open deck in lieu of the minimum required 22.5 feet, and to amend the 2nd Amended Final Development Plan of the Richter Property, Lot 15, to permit the projection of same outside the building envelope, all as more particularly described on Petitioner's Exhibit 1A.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

It is to be noted that the original plan submitted by the Petitioner indicated that the north corner of the proposed deck would be setback 7.5 feet from the northwest property line. Upon reviewing this project, the Developers Engineering Division of the Department of Public Works noted the existence of a 10-foot drainage and utility easement along the northwest property line within which the proposed deck would protrude and objected to the deck's encroachment into this easement. As a result,

the Petitioner submitted a revised site plan, identified herein as Petitioner's Exhibit 1A, which indicates a reduction in the size of the deck by 1.4 feet on both its northwest and northeast sides. In effect, the Petitioner has squared off the north corner of the proposed deck in order to avoid the easement area, thereby reducing the variance requested by 2.8 feet. Therefore, a variance of 10.3 feet in lieu of the required 22.5 feet is needed.

The Petitioner filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of March, 1993 that the Petition for Administrative Variance requesting relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10.3 Sfeet in lieu of the minimum required 22.5 feet for a proposed deck, and to amend the 2nd Amended Final Development Plan of the Richter Property, Lot 15, to permit the projection of same outside the building envelope, in

- 2-

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permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is contingent upon the Petitioner's compliance with the comments of the Developers Engineering Division of the Department of Public Works dated February 11, 1993. The proposed deck shall be constructed in accordance with the revised

LES:bjs

accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building

site plan marked as Petitioner's Exhibit 1A.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions of this Order.

> / LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

244

THE DESCRIPTION

-3 copies required 12 copies of the zoning description of your property are required. Type or print description, standard $8-1/2^{\rm H}$ x $11^{\rm H}$ sheets are acceptable. Host property descriptions, as stated on a deed, do not have adequate information. The soning

- 3-

ZONING DESCRIPTION FOR 14 PREELY R: Agre C+

Subdivision) as recorded in Baltimore County Plat Book #161, Folio #1617, oontaining 2/2 ACRT Al.

(number of total square feet or acres in lot)

(property address)

> *If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber (___), Folio (__)" and include the measurements and directions (metes and bounds enly) here and on the plat in the correct

Typical metes and bounds: M.87° 12' 13" E. 321.1 ft., 8.16° 27' 03" E. 87.2 ft., 8.62° 19' 00" W. 318 ft., and N.OS" 15' 22" W.80 ft. to the place of beginning.

A Section of the Party of the P

District 14th Posted for: Variance	Date of Posting 3/1/93
Posted for: Variance	
Positioner: May daken, W. L.	e u um
Location of property: N/S (14) Perry	Ridge Ut 280.57 : E/White Mond Ro
ocation of Signs Facing Youdu	of pan fre, porty of fichtion
Remarks:	
Posted by MARIN	Date of return: 2/12/97

CERTIFICATE OF POSTING

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

March 25, 1993

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,//

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

above-captioned matter. The Petition for Administrative Variance has been

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

N/S Perry Ridge Court, 280.59' E of White Marsh Road

14th Election District - 5th Councilmanic District

(410) 887 4386

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Ms. Magdalene W. Leung

Baltimore, Maryland 21237

Case No. 93-242-A

cc: Mr. Randolph J. Farmer

People's Counsel

(14 Perry Ridge Court)

RE: PETITION FOR ADMINISTRATIVE VARIANCE

Magdalene W. Leung - Petitioner

granted in accordance with the attached Order.

1118 Seneca Road, Baltimore, Md. 21220

14 Perry Ridge Court

Dear Ms. Leung:

LES:bjs

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County 14 HERRY KidgE Court for the property located at 1302.3.B 301.1.A

which is presently zoned DR -3,5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) TO Allow A REAR YARD SET BACK of 7'2' for AN OARN DECK in lieu of their minimum required 2212 And to Amend the 2nd amended final development Plan of Richter Respect. Lot to Allow of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Projection of Same outside the blog envelope House built with double door's to ACCESS REAR YEARCOOK has no Allowance for same, WE NEED AMACCESSABLE 2th OR PEAR ENTERNCE ON 1st floop

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			i/We do solemnly declare and affirm, under the penalties of perjury, that i/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Owner(s):
Type or Print Name)			(Type of Print Name) (Type of Print Name)
Signature			Signature Control of
ddress			(Type or Print Name)
City	State	Zipcode	Signature
littomey for Petitioner.			14 PERRY RIDOR CT. 668-483
Type or Print Name)			Address Phone No.
			Baltimose Mazhand 21237
ignature			Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
			RANDOLPH J. FARMUZ
ddrees	Phone !	No	Name 1118 SEMECA RD. 335-5111 Acidema Semental Representations of the semental seminary of the
iky	State	Zipcode	Actions 140 MW 21220 Phone No.
: Public Hearing having ber not the subject matter of the irculation: throughout Baltin	is petition be set for a publi	ic hearing , advertised, a	red by the Loning Commissioner of Bairimore County, this day of 19

REVIEWED BY: \$\frac{\xi\co}{25/93}

ITEM #: 267

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

testify thereto in the event that a public hearing is scheduled in the future with regard thereto That the Affiant(s) does/do presently reside at 14 PERLY R. BOR Court

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate heroship or practical difficulty) REAL YARD CODE has NO AlleWANIES LA SAME

WE NEED AN ACCESSABLE 2nd OR REDRETINE ON 15 Floor

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and adve may be required to provide additional information.

I HEREBY CERTIFY, this day of day of

Magda Leve Lewing he Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. 1-22-93

MY COMMITTED THE CONTRACT 1, 1994

LAST NAME OF OWNER: LEUNG

Zoning Administration &

PUBLIC HEARING FEES

LAST NAME OF OWNER: LEUNG

Arnold Jablon, Director

Development Management

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Item Nos. 254, 256, 259, 263, 262, 267, 268, 261.

tqieee1

PRICE

TOTAL: \$85.00

2/02/93

010 -ZONING VARIANCE (IRL) \$50.00 080 -POSTING SIGNS / ADVERTISING 1 X

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DATE: February 12, 1993

111 West Chesapeake Avenue Towson, MD 21204



Baltimore County Government Office of Zoning Administration and Development Management

February 16, 1993

(410) 887-3353

Ms. Madalene Winnie Leung 14 Perry Ridge Court Baltimore, MD 21237

> RE: Case No. 93-242-A, Item No. 267 Petitioner: Madalene Winnie Leung Petition for Administrative Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

93.886

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: Feb 18, 1993

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

z.a.c. meeting date: Feb. 8, 1993

There are no Comments on item number, 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267 and 268

RJF/lvd

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 11, 1993 Zoning Administration and Development Management FROM: Robert W. Bowling, P.E., Chief

Developers Engineering Division Zoning Advisory Committee Meeting for February 16, 1993

Item No. 267

The Developers Engineering Division has reviewed the subject zoning item. The County has a 10-foot drainage and utility easement along the property line. The deck may not be built within the easement.

Baltimore County Government

Fire Department

FEBRUARY 18, 1993

#14 PERRY RIDGE COURT

Item No.: *267 (LEO) Zoning Agenda: FEBRUARY 8, 1993

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

(410) 887-4500

Fire Prevention Bureau

RWB: DAK: 8

700 East Joppa Road Suite 901

Zoning Administration and

Baltimore County Office Building

RE: Property Owner: MAGDALENE WINNIE-LEUNG

Special Inspection Division

Development Management

Towson, MD 21286-5500

Arnold Jablon

Towson, MD $2120\overline{4}$

Location:

Director

Gentlemen:

JP/KEK

State Highway Administration

O. James Lighthizer Secretary Hal Kassoff

7-17-93

Ms. Julie Winiarski Zoning Administration and **Development Management** County Office Building 111 W. Chesapeake Avenue

Baltimore County Item No.: * 367 (LEC

Dear Ms. Winiarski:

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is 410-333-1350

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

March 4, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Ms. Magdalene W. Leung 14 Perry Ridge Court Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE N/S Perry Ridge Court, 280.59' E of White Marsh Road (14 Perry Ridge Court) 14th Election District - 5th Councilmanic District Magdalene W. Leung - Petitioner Case No. 93-242-A

Dear Ms. Leung:

LES:bjs

This office is in the process of reviewing your request for an administrative variance in the above-captioned matter. Please be advised that we are in receipt of a comment from the Developers Engineering Division of the Department of Public Works which has revealed that there is a 10-foot drainage and utility easement located along the rear property line wherein you propose to have a deck constructed. No construction can take place within this easement. Therefore, your request for a rear yard setback of 7.5 feet cannot be granted.

If you wish to resubmit your site plan with a revised proposal that will maintain the required 10-foot easement, I will hold my decision in this matter pending receipt of a revised site plan.

If no word is heard from you or your representative within ten (10) days of the date of this letter, an Order will be issued based on the current documentation contained in the case file.

Zoning Commissioner

for Baltimore County

cc: Mr. Randolph J. Farmer 1118 Seneca Road, Baltimore, Md. 21220

254.ZAC/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue Towson, MD 21204 TROHADY 3 1993

(410) 887-3353

Magdalene Winnie Leung 14 Perry Ridge Court Baltimore, Maryland 21237

Re: CASE MUMBER: 93-242-A (Item 267)
N/S Perry Ridge Court, 280.59' (+/-) E of White Hersh Road
14 Perry Ridge Court
14th Election District - 5th Councilmanic
Legal Owner(s): Magdalane Winnie Legag

Dear Petitioner(s)

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact unde with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 14, 1993. The closing date (March 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are psychle by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

årnold Jahlon

cc: Randolph J. Parmer

Printed on Recycled Paper

Me lawrence Schnidt MR 24 1000

CASE NO 93-242-A IS

PENding A REVISED SITE PAN

Showing proposed deck will not

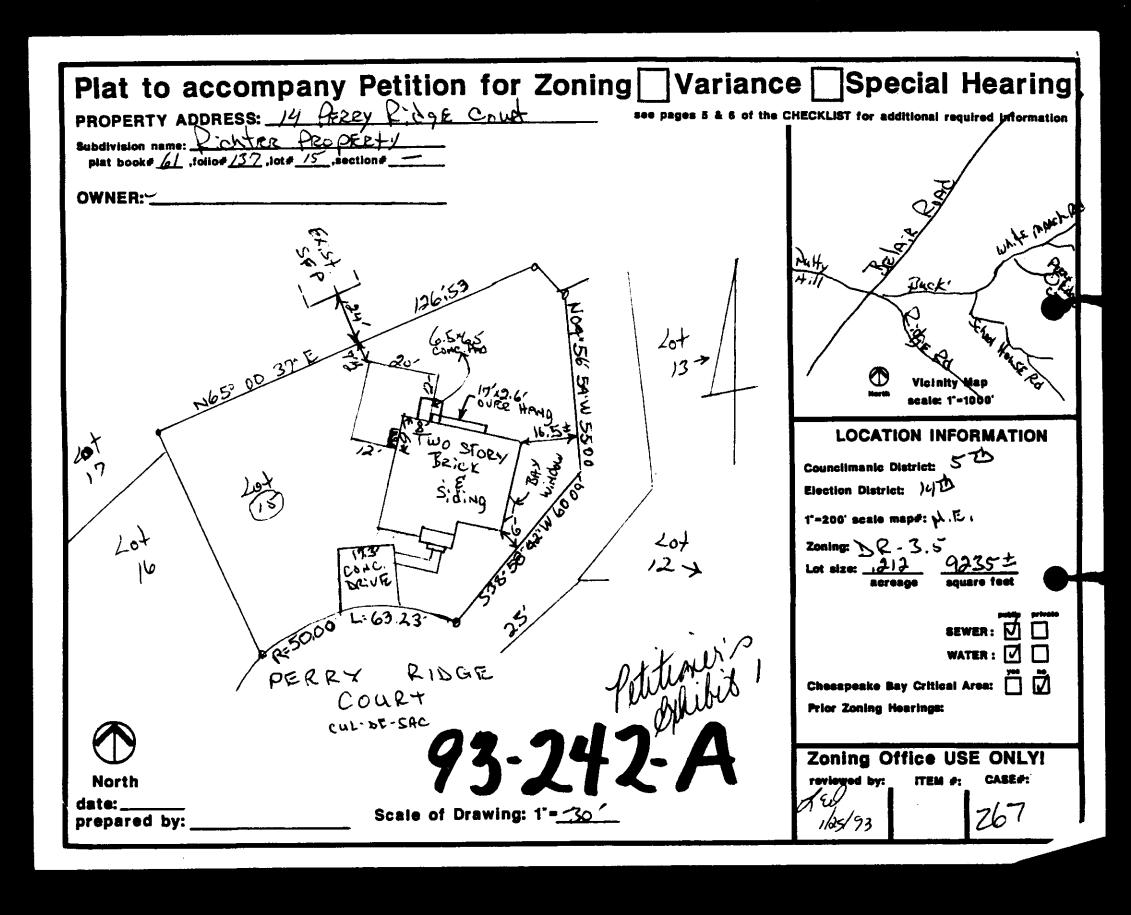
be in DRAININGE, Utility resement

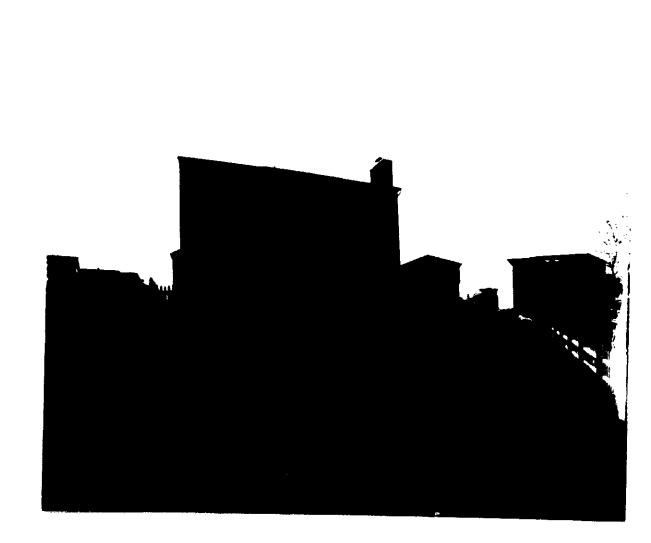
This plan I'm submitting today is to scale with Red showing proposed changes (By Cutting the opner back 16' both way's will more than clear this 10' AREA.

If other information or changes ARR MARBEL PLEASE CAN.

RANdolph J. FARMER
1118 SENECT Rd.
BAlts. Md. 21220
Phone 335-5111

Kand tom





93-242-A

